

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAVID M. KIMMEL,

Plaintiff,

v.

JUDGMENT

GOV. ANDREW CUOMO,

Defendant.

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An Order of Honorable Kiyo A. Matsumoto, United States District Judge, having been filed on June 17, 2021, dismissing Plaintiff's complaint without prejudice for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3); granting Plaintiff 30 days leave to file an amended complaint; certifying pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith; and denying *in forma pauperis* status for the purpose of any appeal, *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962); and an Order having been filed on September 1, 2021, dismissing the complaint; and directing the Clerk of Court to enter judgment; it is

ORDERED and ADJUDGED that the complaint is dismissed; that pursuant to 28 U.S.C. § 1915(a)(3), any appeal would not be taken in good faith; and that *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

Dated: Brooklyn, New York  
September 2, 2021

Douglas C. Palmer  
Clerk of Court

By: /s/Jalitza Poveda  
Deputy Clerk